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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,026	08/21/2000	Alain Dominique Sismondi	01006US01	8420

7590 01/29/2002

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EXAMINER

HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 01/29/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-5

**Office Action Summary**

Application No.

09/643,026

Applicant(s)

Sismoudi et al.

Examiner

Bruce Hess

Group Art Unit

1774

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- ☒ Responsive to communication(s) filed on 9-21-00 (IDS) and 2-9-01 (IDS)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- ☒ Claim(s) 1-9 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

**Attachment(s)**

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No. (s) 2 and 4 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

1. Claim 9 is rejected under 35 USC 112 (second paragraph) as being indefinite.

The positional relationship between the receiving layers cannot be determined.

Are the layers coplanar or stacked on each other?

Since no definite meaning can be given to certain terms in this claim, a search of the prior art cannot be made at this time. The appropriate search will be made upon clarification of the issue noted above.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the patents to Jones (U.S.P. 4,649,064; see column 3, line 45 and column 6, lines 1-4), Akutsu et al. (U.S.P. 4,740,420; see column 2, lines 3-5 and column 4, line 9), Aono et al. (U.S.P. 4,946,781; see column 3, line 13 et seq. and column 7, lines 19, 20, 34 and 35), Kondo et al. (U.S.P. 5,320,897; see column 8, lines 4 and 46, Akutsu et al. (GB 2147003 A; see page 1, line 38 et seq. And page 3, line 18), Body et al. (GB 2301845 A; see page 5, line 4 and page 4, line 18 et seq.) or Fryberg et al. (EP 0705172 B1; see page 4, lines 7-11 and 24).

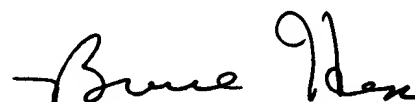
These patents all teach ink jet receiving sheets which employ gelatin and a salt of a metal selected from the II A or II B groups of the periodic table of elements. The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine the pH of the surface of the receiving sheet) fails to render applicants' claims patentable in the absence of unexpected results.

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The examiner acknowledges that Table 1 in applicants' specification establishes that unexpected results are obtained with their pH parameter when calcium nitrate is employed with gelatin. Since none of the claims are limited to this embodiment, it is suggested that additional tests employing other metals and salts be performed.

Bruce Hess/om

January 17, 2002



BRUCE H. HESS  
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